

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

JAMES LYNN NICHOLS,

Plaintiff,

v.

CV 124-229

STATE OF GEORGIA; GOVERNOR OF
GEORGIA; GEORGIA DEPARTMENT OF
CORRECTIONS; WARDEN OF AUGUSTA
STATE MEDICAL PRISON (ASMP);
DEKALB COUNTY; DEKALB COUNTY
POLICE DEPARTMENT; DETECTIVE SJ
CHEEK; DETECTIVE JH KING;
DETECTIVE RL BREWER; CAPTAIN SW
WAITS; GWENDOLYN FLEMING;
DENNIS R. SCHEIB; INVESTIGATOR
RAYMOND S. DAVIS; DETECTIVE BE
DAVIS; JUDGE GAIL FLAKE; DEKALB
DISTRICT ATTORNEY'S OFFICE; PUBLIC
DEFENDER'S OFFICE, DEKALB COUNTY
GEORGIA STATE BOARD OF
PARDONS AND PAROLES; MIKE
MALOOF; TONY MATHIS; GERALD
KLEINROCK; ROBERT CLAY WATTS;
CARL GREENBERG; COURTNEY
JOHNSON, ESQ.; JUDY NICHOLSON;
MELVIN ABERCROMBIE; GEORGIA
DEPARTMENT OF PUBLIC SAFETY; and
GEORGIA BUREAU OF INVESTIGATION,

Defendants.¹

ORDER

Plaintiff James Lynn Nichols, incarcerated at Augusta State Medical Prison in Grovetown, Georgia, filed a pleading in the Augusta Division of the Southern District of Georgia

¹ The Court **DIRECTS** the **CLERK** to update the spelling of Defendant Courtney Johnson's name on the docket in accordance with the above caption, which is consistent with Plaintiff's pleading. (Id. at 1.)

which the Clerk of Court interpreted as a civil rights complaint filed pursuant to 42 U.S.C. § 1983, and he seeks to proceed *in forma pauperis* (“IFP”).² However, upon review of Plaintiff’s pleading, it is unclear whether he is attempting to assert civil rights claims against Defendants concerning their involvement in Plaintiff’s criminal prosecution in DeKalb County, Georgia, or whether he is attempting to petition for habeas corpus relief from a conviction obtained in DeKalb County, Georgia.³

Under either interpretation of Plaintiff’s pleading, the case does not belong in the Southern District of Georgia. If Plaintiff intends to bring a civil rights complaint against Defendants, the proper venue is the Northern District of Georgia because a substantial part of the events described in Plaintiff’s pleading occurred, and the majority of the named Defendants are located, in and around DeKalb County, Georgia. (See doc. no. 1.); 28 U.S.C. § 1391(b). If Plaintiff seeks habeas corpus relief, it is the practice of this Court to transfer an action attacking a conviction to the District in which the original criminal proceedings were conducted, see 28 U.S.C. § 2241(d), which in this case would also be the Northern District of Georgia.

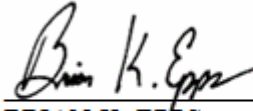
Accordingly, the Court **ORDERS** this case **TRANSFERRED** to the Northern District of Georgia. The Court also **DIRECTS** the Clerk to forward the file to that District. For Plaintiff’s information, the mailing address for future filings in the Northern District of Georgia is: Clerk,

² Plaintiff submitted a typed pleading titled “Complaint for Violation of Civil Rights (42 U.S.C. § 1983) And Claims Under Georgia Law.” (Doc. no. 1, p. 2.) The pleading also contains the following header: “Pro Se 5 (Rev. 12/16) Complaint for a Civil Case Alleging Negligence.” (See id. at 1.)

³ The factual allegations contained in Plaintiff’s pleading center around purported constitutional violations concerning his DeKalb County criminal prosecution. (Doc. no. 1, pp. 6-7.) In his request for relief, Plaintiff seeks his immediate release from confinement and compensatory damages. (Id. at 9, 12.) Publicly available records show Plaintiff is incarcerated pursuant to conviction obtained in DeKalb County, Georgia. See <https://gdc.georgia.gov>; Select Offender Search, Find an Offender; Search Now; I agree; Search “Nichols, James”; Submit Form; View Offender Info for Nichols, James Lynn (last visited Dec. 20, 2024).

U.S. District Court, Northern District of Georgia, 2211 U.S. Courthouse, 75 Ted Turner Drive,
SW, Atlanta, Georgia 30303-3361.

SO ORDERED this 20th day of December, 2024, at Augusta, Georgia.

A handwritten signature in black ink, appearing to read "Brian K. Epps", is written over a horizontal line.

BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA